MEMORANDUM FOR THE SOCIAL DEVELOPMENT COMMITTEE FROM THE DEPARTMENT FOR SOCIAL DEVELOPMENT

The Fuel Payments Scheme Regulations (Northern Ireland) 2012

SR 2012 No. 159

1. Introduction:

1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany SR 2012 No. 159, which is laid before the Northern Ireland Assembly.

1.2 The statutory rule is made under The Financial Assistance Act (Northern Ireland) 2009 and is subject to the negative resolution procedure.

1.3 The rule is due to come into operation on 20 March 2012.

2. Purpose

2.1 This statutory rule is to provide for payments to be made to qualifying persons under the Fuel Allowance Payments Scheme (Northern Ireland (2012).

3. Background

3.1 The Financial Assistance Act (Northern Ireland) 2009 gives the Office of the First Minister and deputy First Minister (OFMdFM) authority to designate a department to make and publish a scheme to provide financial assistance to people when exceptional circumstances exist. OFMdFM has determined that exceptional circumstances exist as a result of the impact of increased household energy costs. OFMdFM has designated the Department for Social Development to deliver a scheme to provide financial assistance. The financial assistance payment shall be known as the Fuel Allowance Payment

4. Matters of special interest to the Department for Social Development Committee

4.1 These Regulations breach the 21-day rule. The Scheme will come into operation on the day after it is made as by that time the vast majority of payments will already have been issued to eligible persons.

5. Position in GB

5.1 There is no equivalent legislation in GB. This statutory rule applies to Northern Ireland only.

6. Equality Impact

6.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Office of First Minister and deputy First Minister conducted a screening exercise of the proposals. It has concluded that the proposals do not have significant implications for equality of opportunity and therefore considers that an Equality Impact Assessment is not necessary.

7. Regulatory Impact

7.1 The proposed Scheme does not impose any additional costs or savings on business, charities or voluntary bodies and in the circumstances a Regulatory Impact Assessment is not required.

8. Financial Implications:

8.1 On 8 December 2011 the First Minister and deputy First Minister announced a package of measures aimed at helping people most affected by high energy costs. This package included £21.4 million for a fuel allowance payment to low income families and pensioners. A payment is also being made by the Department of Health, Social Services & Public Services to cancer patients.

9. Section 24 of the Northern Ireland Act 1998

9.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that the proposed Scheme:

- is not incompatible with the Convention rights;
- is not incompatible with Community law;
- does not discriminate against a person or class of person on the ground of religious belief or political opinion; and
- does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.